



STATE OF INDIANA

MICHAEL R. PENCE, Governor

**PUBLIC ACCESS COUNSELOR
LUKE H. BRITT**

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317)233-0906
Fax: (317)233-3091
1-800-228-6013
www.IN.gov/pac

September 23, 2015

John Study
Wabash Correctional Facility
P.O. Box 1111
Carlisle, IN 47838

Re: Formal Complaint 15-FC-232; Alleged Violation of the Access to Public Records Act by the Indiana Department of Correction

Dear Mr. Study,

This advisory opinion is in response to your formal complaint alleging the Department of Correction ("DOC") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* As of the writing of this complaint, DOC has not responded, despite an invitation to do so on August 14, 2015. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on August 12, 2015.

BACKGROUND

Your complaint dated August 4, 2015 alleges that the Department of Correction violated the Access to Public Records Act by not providing the records you requested.

On July 14, you sent a request for records, seeking information related to your extradition. This request was sent to Ronald Leffler, IAD Administrator. Your request was denied, with Mr. Leffler informing your attorney that this information could only be obtained via a subpoena. DOC has not responded to your formal complaint.

ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." See Ind. Code § 5-14-3-1. The Department of Correction is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(m)(1). Accordingly, any person has the right to inspect and copy DOC's disclosable public records during regular business hours unless the



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records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14- 3-3(a).

Public agencies are required by Ind. Code § 5-14-5-5 to cooperate with this Office during the formal complaint process. I have not received a response from DOC regarding your complaint. Without the benefit of a response, I cannot determine if DOC's denial was appropriate therefore without statutory justification for the denial pursuant to Ind. Code § 5-14-3-9, the DOC has violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read "LH Britt", written in a cursive style.

Luke H. Britt
Public Access Counselor